



North Carolina Department of Environment and Natural Resources

Division of Water Resources

Water Quality Programs

Thomas A. Reeder

Director

Pat McCrory
Governor

John E. Skvarla, III
Secretary

December 10, 2013

Mr. J.W. Bowman, P.E., Division Engineer
NCDOT Division 5
2612 North Duke Street
Durham, NC 27704

Subject: MODIFICATION to 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS for Proposed improvements to US 501 North in Person County, Federal Aid Project No. STP-501(1), State Project No. 34406.2.3, TIP No. R-2241A, NCDWR Project No. 20120073 version 3.

Dear Mr. Bowman:

Attached hereto is a modification of Certification No. 3910 issued to The North Carolina Department of Transportation (NCDOT) dated March 23, 2012.

If we can be of further assistance, do not hesitate to contact us.

Sincerely,

Tom Reeder
Director

Attachments

cc: Eric Alsmeyer, US Army Corps of Engineers, Raleigh Field Office
Chris Murray, Division 5 Environmental Officer
Beth Harmon, Ecosystem Enhancement Program
Rachelle Beauregard, NCDOT Natural Environment Unit
File Copy

Transportation and Permitting Unit
1650 Mail Service Center, Raleigh, North Carolina 27699-1617
Location: 512 N. Salisbury St. Raleigh, North Carolina 27604
Phone: 919-807-6300 \ FAX: 919-807-6492
Internet: www.ncwaterquality.org

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MODIFICATION to 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Resources (NCDWR) Regulations. This certification authorizes the NCDOT to impact 2.39 acres of jurisdictional wetlands and 4,356 linear feet of jurisdictional streams in Person County. The project shall be constructed pursuant to the application dated received January 26, 2012 and modification request dated December 6, 2013. The authorized impacts are as described below:

Additional (or Decrease) to Stream Impacts in the Roanoke River Basin			
Site	Permanent Impact to Perennial Stream (linear ft)	Temporary Impacts to Perennial Stream (linear ft)	Total Stream Impact (linear ft)
18	+ 227	- 181	+ 46
Total			

Total Additional Stream Impact for Project: + 46 linear feet

The application provides adequate assurance that the discharge of fill material into the waters of the Roanoke River Basin in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your application dated received January 26, 2012 and modification requests received August 2, 2012 and December 6, 2013. Should your project change, you are required to notify the NCDWR and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

Conditions of Certification:

1. . All conditions in the previous versions of this Certification for this project still apply.

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or Coastal Area Management Act Permit. This Certification shall expire upon the expiration of the 404 or CAMA permit.

If you wish to contest any statement in the attached Certification you must file a petition for an administrative hearing. You may obtain the petition form from the office of Administrative hearings. You must file the petition with the office of Administrative Hearings within sixty (60) days of receipt of this notice. A petition is considered filed when it is received in the office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official state holidays. The original and one (1) copy of the petition must be filed with the Office of Administrative Hearings.

The petition may be faxed-provided the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission.

The mailing address for the Office of Administrative Hearings is:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714
Telephone: (919)-431-3000, Facsimile: (919)-431-3100

A copy of the petition must also be served on DENR as follows:

Mr. Lacy Presnell, General Counsel
Department of Environment and Natural Resources
1601 Mail Service Center

This the 10th day of December 2013

DIVISION OF WATER RESOURCES

A handwritten signature in black ink, appearing to read "Tom Reeder".

Tom Reeder
Director

WQC No. 3910

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